

The Honorable Richard A. Jones  
The Honorable James P. Donohue

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KYLE LYDELL CANTY, )  
vs. )  
CITY OF SEATTLE, et. al., )  
Plaintiff, ) No. 2:16-cv-01655-RAJ-JPD  
Defendants. )  
 ) THIRD DECLARATION OF  
 ) SAMANTHA KANNER  
 )

I, Samantha Kanner, declare under penalty of perjury under the laws of the State of Washington as follows:

1. I am over eighteen years of age. I have personal knowledge of the facts contained in this declaration and am otherwise competent to testify to the matters in this declaration.
2. I am a Senior Deputy Prosecuting Attorney at the King County Prosecuting Attorney's Office and am counsel for King County Defendants in this case.
3. Since my appearance in this matter, I have continued to only receive documents drafted by Plaintiff through the Court's efilings notification system. As such, I have not seen Plaintiff's "Exhibits 44-49" of Docket 102 (Plaintiff's Motion re: Prohibition

DECLARATION OF SAMANTHA KANNER (16-cv-01655-RAJ-JPD) - 1

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1 of Retaliation). Additionally, the only substantive portion of this "Motion" I have  
2 seen is the caption page, the other pages contain only exhibits. I have also not seen  
3 Plaintiff's "Exhibit 54" of Docket 103 (Plaintiff's Motion to Appoint Counsel) as  
4 those pages were not filed by the court due to a notation indicating they contain  
5 personal information.

6 4. On August 29, 2017, I received an un-opened envelope marked return to sender  
7 containing a letter I sent Mr. Canty requesting a telephonic conference regarding my  
8 motion to seal his mental health records. The envelope indicates that Mr. Canty  
9 refused to accept this mail at the Washington State Correction Center where he is  
10 housed. My legal assistant re-sent the envelope to Mr. Canty at my request that same  
11 day.

12 5. On September 5, 2017, I received an envelope marked return to sender containing my  
13 response to Mr. Canty's motions that were noted for August 25, 2017 as well as my  
14 motion to seal. The envelope indicates that Mr. Canty refused to accept this mail at  
15 the Washington State Correction Center where he is housed. Given that Mr. Canty  
16 had access to these efiled documents I did not resend these documents via regular  
17 mail.

18 Signed this 11<sup>th</sup> day of September, 2017 at Seattle, Washington.

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21 SAMANTHA KANNER, WSBA #36943  
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DECLARATION OF SAMANTHA KANNER (16-cv-01655-RAJ-JPD) - 2

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